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October 10, 2020

VIA ECF

The Honorable William H. Pauley III
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Bryan Cohen, 19 Cr. 741 (WHP)

Dear Judge Pauley:

We represent Bryan Cohen in the above-captioned matter. We write in response to this Court's October 9, 2020 Order (Dkt. 57) directing counsel to explain the delay in notifying the Court about a letter received by Mr. Cohen from the United States Citizenship and Immigration Services ("USCIS") and to provide a copy of the letter.¹

As an initial matter, we have attached the letter from USCIS as an exhibit to this document. As to any delay in notifying the Court, counsel was informed by Mr. Cohen on September 22, as soon as he received the letter from USCIS. Upon receipt of the letter, counsel, having little experience in the very complex area of immigration law, identified, located, and consulted with immigration attorneys with expertise in the field. Initially, counsel's intent in consulting with the immigration attorneys was to assess if there was any way resolve the matter

¹ Mr. Cohen received an electronic communication indicating that an action was taken on his case in the afternoon of September 21, 2020. The letter omits to note that Mr. Cohen's application to extend his immigration status was submitted on January 3, 2020, soon after Mr. Cohen's termination from his former employer (confirmation attached). As mentioned in our previous letter, the biometrics are used to check an applicant's criminal records and, as a matter of law, Mr. Cohen's extension application could not be approved as his termination and conviction made him ineligible for an extension of his immigration status.

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with the immigration authorities so that Mr. Cohen could legally remain in the United States for the duration of his term of supervised release, thereby obviating the need for seeking the Court's guidance. After a number of conversations, we, collectively, could not find any solution to the matter and respectfully sought the Court's guidance.

We fully recognize and respect your Honor's rejection of Mr. Cohen's request to serve community service and home detention in France and, as we have noted, Mr. Cohen remains fully committed to complete his sentence in the United States. Unfortunately, we could not find a legal basis for him to lawfully complete the remainder of his sentence without breaching the special conditions of supervised release as well as violating various immigration laws.

Thank you for your courtesy and guidance on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a cursive combination of the names Benjamin Brafman and Joshua D. Kirshner.

Benjamin Brafman
Joshua D. Kirshner

cc: All Counsel (via ECF)